

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**April 29, 2015**

The Lake County Planning and Zoning Board met on Wednesday, April 29, 2015 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, May 19, 2015 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Paul Bryan, Chairman	District 5
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Michael Mazzeo	At-Large Representative
Laura Jones Smith	District 2
Kathryn McKeeby, Secretary	District 1

**Members Not Present:**

Debbie Stivender	School Board Representative
Donald Heaton	Ex-Officio Non-Voting Military

**Staff Present:**

Chris Schmidt, Manager, Planning & Community Design Division  
Steve Greene, AICP, Chief Planner, Planning & Community Design Division  
Melving Isaac, Senior Planner, Planning & Community Design Division  
Donna Bohrer, Office Associate, Planning & Community Design Division  
Erin Hartigan, Assistant County Attorney  
Victoria Bartley, Deputy Clerk, Board Support  
Ross Pluta, Engineer III, Public Works

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and gave the invocation.

Mr. Bryan explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending approval on those without further discussion or public comment and that they were considered noncontroversial. He added that those who wish to speak on any of the cases on the Consent Agenda would fill out a card to do so and might result in that case being moved to the Regular Agenda items. He stated that they were a recommending body, and the Board of County Commissioners (BCC) would have final authority on those cases at their next meeting on May 19, 2015. He

asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

Mr. Bryan welcomed Mr. Michael Mazzeo to the Planning and Zoning Board as their new At-large member.

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**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/AGENT/PROJECT</u></b>
Tab 1	CUP-15-01-1	FLTR LLC Botanical Gardens

**REGULAR AGENDA**

Tab 2	CUP-15-05-3	St. Hubert Show Dogs and Cats
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**Other Business**

**Adjournment**

**MINUTES**

**MOTION** by Tim Morris, **SECONDED** by Rick Gonzalez to **APPROVE** the Minutes of April, 2015 of the Lake County Planning and Zoning Board meeting, as submitted.

**FOR:** Morris, Gonzalez, Bryan, Mazzeo, Smith, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 6-0

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Division of Planning & Community Design, noted that the cases have been advertised in accordance with the law and that Tab 2, CUP-15-05-3 St. Hubert Show Dogs and Cats, had speaker cards and would be moved to the Regular Agenda. He stated that staff recommends approval of the agenda as previously indicated.

**CONSENT AGENDA**

<b><u>TAB NO:</u></b>	<b><u>CASE NO:</u></b>	<b><u>OWNER/APPLICANT/AGENT/PROJECT</u></b>
Tab 1	CUP-15-01-1	FLTR LLC Botanical Gardens

**MOTION by Rick Gonzalez, seconded by Kathryn McKeeby to APPROVE the Consent Agenda which includes Tab 1.**

**FOR: Morris, Gonzalez, Bryan, Mazzeo, Smith, McKeeby**

**AGAINST: None**

**MOTION CARRIED: 6-0**

**Tab 2 – CUP-15-05-3– ST. HUBERT SHOW DOGS AND CATS**

Mr. Melving Isaac, Senior Planner, Planning & Community Design Division, presented case CUP-15-05-3, St. Hubert Show Dogs and Cats, and explained that the applicants Mr. Arthur and Ms. Tatiana Carrier were requesting a Conditional Use Permit to allow a kennel/cattery in an Agricultural zoned area. He displayed on the monitor a map with the proposed kennel/cattery space, which was 13 acres and located in the Astatula area south of County Road 48. He specified that the kennel would hold a maximum of 62 animals, 50 dogs and 12 cats, and that the property’s previous owner had also run a hog-based operation. He indicated that there is an existing pole barn on the property, which the owners will either improve or demolish, and another dog housing structure that is virtually soundproof that is not a part of the proposed CUP, but can be used for up to four of the owner’s dogs. He explained that the uses of the adjacent properties are Agricultural and Rural Residential, and that the proposed kennel is in compliance with the required 200 foot setback. He also indicated that the proposed ordinance contains conditions regarding setbacks, hours of operation for outside activities, disposal of animal waste and noise (kennel/cattery building is required to be soundproofed).

He stated that the proposed CUP is consistent with the Comprehensive Plan and Land Development Regulations and that staff recommends approval with conditions as set forth in the proposed ordinance.

Ms. Laura Jones Smith clarified that the outdoor play area and all of the facilities associated with the kennel and cattery must meet the 200 foot setback requirement.

Mr. Tim Morris clarified that the applicant owned both parcels and that the whole 13 acres of the parcel is included in the 200 foot setback requirement.

Mr. Jim Crawford, land-use attorney, explained that he represented the owners Arthur and Tatiana Carrier. He opined that kennels have been occasionally controversial in Lake County for decades due to noise and waste disposal issues, until the County created a detailed kennel ordinance 15 years ago that outlined where they could be located, what their required setbacks would be, and what conditions would be applied to them. He stated that the kennel proposal meets or exceeds all those conditions. He reported that they would retain use of the north parcel for uses that are consistent with the CUP, but would not be able to sell it as it must serve as a buffer as a part of the CUP. He relayed that the existing animal housing building had been there when the Carriers had first purchased the property and it has been restored by them to house up to nine dogs. He related that Ms. Carrier is recognized as a breeder of merit by the American Kennel Club, is a board member of the Florida Cocker Spaniel Club, and is one of the top 5 Cocker Spaniel breeders in the nation. He specified that the animal housing building would be abandoned for commercial purposes and a new structure will be built within the setbacks with all additional requirements, such as no outside activity before 7:00 a.m. and after 7:00 p.m. and leaving existing landscaping that buffers adjacent properties. He clarified that this would not be a boarding kennel for outside dogs.

The Chairman opened the public hearing.

Mr. Thomas S. Turner, an Astatula resident living to the north of the applicant, explained that the previous owner had also trained dogs for the police academy and that when they were in residence, the dogs were deafening at meal times. He opined that allowing this CUP would disturb the tranquility of his property and that he was concerned that the facility would become a puppy mill and be removing the dogs' vocal chords for debarking.

Mr. Bryan clarified that the noise issues had been with the previous owner, not the Carriers.

Mr. Pat Adams, an Astatula resident living to the south of the applicant, mentioned that the smell of dogs around the property had been very strong with the previous owner and there had been many issues with loud barking at all hours.

Ms. McKeeby asked to display the map on the monitor to indicate where Mr. Adams' property was.

The Chairman closed the public hearing.

Mr. Crawford stated that they have always fed their dogs inside and would agree to a

condition that would require that. He specified that this CUP would require them to install a septic tank approved by the Department of Health for dog kennel operations and that should improve any smell issues that might be occurring.

Mr. Bryan confirmed that the dogs had been housed in a facility that is close to the southern boundary line, but this CUP would enable them to move them farther inland.

Ms. McKeeby clarified that there would be no additional dogs until the structure was complete.

Mr. Gonzalez inquired if it would be possible to fence in the play-area to help mitigate the noise.

Mr. Crawford replied that they plan to build a solid wood fence which should accomplish that. He reported that the previous owner had housed his dogs outside with no interior facility.

Mr. Michael Mazzeo asked for clarification on the structure that would house the owner's personal dogs as being "abandoned".

Mr. Crawford explained that it is considered abandoned for CUP and kennel purposes only.

Mr. zales established that the kennel would be used for breeding purposes.

Ms. Smith confirmed that the wood fence would only be built around the dog play-area and inquired how high the fence would be.

Mr. Crawford replied that a fence of up to 6 feet is allowable. He explained that while the building design could not be finalized until after the site plan was approved, the proposed design is a U-shaped building with a fenced in back, so that the dogs would be confined by a building on three sides.

Mr. Arthur Carried, the owner, indicated on the map where the fence would be located.

Ms. Smith inquired if there was a way to restrict any breeding by the owners' personal animals that would be housed in the structure not covered by the CUP.

Mr. Crawford stated that they would agree to have no breeding animals in that structure, personal or not.

Ms. Erin Hartigan, Assistant County Attorney, pointed out that the ordinance does not limit boarding for outside commercial use.

Mr. Crawford relayed that they would agree to a condition if a definition of boarding was provided, as they had trained other people's animals before and did not want to state that

there would never be an outside dog there for training or breeding purposes. He clarified that there would also be a cattery and the cats would be there for breeding purposes as well, but they do not have a commercial cat operation currently.

Mr. Gonzalezs inquired if they could make condition in the ordinance that the building must be U-shaped so that it can better serve as another sound buffer.

Mr. Crawford related that they would rather not agree to that stipulation, as they would be fine with either constructing a U-shaped building or having a solid fence enclosure because they are still consulting with the architect. He opined that it would be difficult to go forward if that was made a condition of the ordinance before they began operating, since the construction may have to be phased due to monetary issues. He suggested that the ordinance have a condition to prohibit boarding not related to breeding or training.

**MOTION by Laura Jones Smith, seconded by Rick Gonzalez to APPROVE CUP-15-05-3, St. Hubert Show Dogs and Cats, with the additional conditions that all feeding occur only inside the structure, that boarding shall be prohibited unless related to breeding or training, that the installation of the septic tank as required by the Department of Health (DOH) is completed prior to the operation commencing and that there be a wooden fence surrounding the outdoor play area associated with the breeding facility.**

**FOR: Morris, Gonzalez, Bryan, Mazzeo, Smith, McKeeby**

**AGAINST: None**

**MOTION CARRIED: 6-0**

**OTHER BUSINESS**

Mr. Greene distributed a memo he had sent out in January with the list of PZB hearing dates and asked the Board to review it and get back to him about any possible conflicts they might have, since there were some concerns about the July and November meeting dates being scheduled so close to certain holidays. He mentioned that the Board of County Commissioners had moved up their rezoning public hearing by one week during the month of May, July, August, October, November, and December which has caused the PZB meetings to be moved up one week from the standard first Wednesday of the month for those same months.

Mr. Bryan asked the Board to review the list and email staff if there were any conflict issues so that they could finalize the list at the next meeting.

Ms. Smith asked that all future maps be submitted with northern arrows.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:45 a.m.

Respectfully submitted,

  
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Victoria Bartley  
Clerk, Board Support

  
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Paul Bryan  
Chairman